

## REMARKS

Claims 1-17 were pending in the application. The Examiner has objected to the drawings because Fig. 1 lacked descriptive labels. Applicants submit herein **Replacement Drawings** with the included on Fig. 1. No new matter is introduced to the application by the replacement drawings.

The Examiner has rejected Claims 1-4, 8-12 and 16-17 under 35 USC 102(e) as anticipated by Janik; and has rejected Claims 5-7 and 13-15 under 35 USC 103(a) as being unpatentable over Janik in view of Seibel. For the reasons set forth below, Applicants believe that the claims, as amended, are patentable over the cited art.

The present invention provides an electronic device and device method for analyzing incoming messages, classifying the incoming messages based on the analysis, and routing the incoming messages to output units based on the message classifying. The classifying is done dynamically and is not based on any pre-determined message classification(s). The classifying is based on at least one of message content analysis, presentability, sender and confidentiality level. The language of the independent claims has been amended to expressly recite the message analysis and dynamic classification, as taught in the

original Specification from page 4, line 11 through page 6, line 11. No new matter is added by the Amendments.

Claims 1-4, 8-12 and 16-17 have been rejected under 35 USC 102(e) as anticipated by Janik; and Claims 5-7 and 13-15 have been rejected under 35 USC 103(a) as being unpatentable over Janik in view of Seibel. The primary reference, the Janik patent publication, teaches a system and method for providing content to a user based on user preferences. All content in the Janik system "is arranged for delivery...(with) graphical icons...content objects 20, that exist on content selection web page 22, to be dragged and dropped onto content editors on a PC 34" (see: page 5, paragraph [0074]). All content is, therefore, associated with pre-determined content classes and is tagged with content objects. A user inputs preferences regarding pre-determined content types to a web-based system and "only content objects 20 that relate to the selected content types are displayed to the user" (see: page 6, paragraph [0082]). When a user wants to download content, the user drags and drops the content objects onto content editors on the user's PC. Thereafter, the core module at the user's PC manages the downloading and delivery of the selected, pre-classified content. Core module features are detailed in Janik at paragraphs [0096]-[0114] and include retrieval,

caching, clocking and serving; but do not include any analysis of message content.

Applicants respectfully assert that the Janik patent publication does not anticipate the invention as claimed. Janik requires that all content be pre-classified and associated with content objects. Accordingly, Janik does not anticipate the recited device, method and program storage device wherein incoming messages are analyzed and dynamically classified based on message content, presentability, sender and/or confidentiality level.

Anticipation under 35 USC 102 is established only when a single prior art reference discloses each and every element of a claimed invention. See: In re Schreiber, 128 F. 3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997); In re Paulsen, 30 F. 3d 1475, 1478-1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994); In re Spada, 911 F. 2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990) and RCA Corp. v. Applied Digital Data Sys., Inc., 730 F. 2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). Since the Janik reference does not teach the claimed steps and means for determining routing of messages based on dynamic message classification, it cannot be concluded that Janik anticipates the invention as claimed.

With regard to the rejections based on a combination of teachings from Janik and Seibel, Applicants rely on the foregoing analysis that Janik does not teach or suggest steps or means for routing of messages based on dynamic message classification. In rejecting Claims 5 and 13, the Examiner acknowledges that Janik does not teach the claim features and additionally cites the teachings found in Seibel from Col. 10, lines 61-63. The cited Seibel teachings relate to personalization features for so-called "pre-emptive profiling" of users' preferences for on-line shopping. Specifically, the Seigel teachings from Col. 10, lines 61-63 relate to displaying pre-classified items on a web page based on user preferences. The cited passage does not teach or suggest dynamically analyzing and classifying messages coming into a user site for delivery based on presentability (i.e., how best to present the message as detailed in the present Specification on page 5, lines 12-22).

The Seibel teachings from Col. 10, lines 54-56, which are cited against Claims 7 and 15, relate to web-site security postings to assure a user of on-line security (e.g., that personal shopping information is protected). The cited passage does not teach or suggest that a message coming in for delivery to a user be analyzed and classified

for delivery based on the confidentiality level of the incoming message. How a web site treats confidential user information has nothing to do with the confidentiality level of a message to be delivered at a user site.

Finally, with regard to Claims 6 and 14, the Examiner has erred in rejecting the claims. The claims have been rejected as unpatentable over Janik in view of Seigel, yet the Examiner cites a passage from Hegli et al. Applicants respectfully request clarification of the rejection in the form of a non-final action. Applicants have, however, reviewed the Examiner's comments that "network threshold values are used by the network load monitor to deny or allow access...based on the identity of the user". Controlling user access to a network or site is not the same as or suggestive of dynamically classifying an incoming message based on the identity of the sender of the incoming message. Clearly the rejection cannot be sustained.

For a determination of obviousness, the prior art must teach or suggest all of the claim limitations. "All words in a claim must be considered in judging the patentability of that claim against the prior art" (*In re Wilson*, 424 F. 2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). If the cited references fail to teach each and every one of

the claim limitations, a *prima facie* case of obviousness has not been established by the Examiner. Since neither Janik nor Seibel teaches the claimed steps and means for determining routing of messages based on dynamic message classification, as claimed, obviousness has not been established.

Based on the foregoing amendments and remarks, Applicants respectfully request entry of the amendment, reconsideration of the rejections, and issuance of the claims.

Respectfully submitted,  
Bourges-Waldegg

By: /Anne Vachon Dougherty/  
Anne Vachon Dougherty  
Reg. No. 30,374  
Tel. (914) 962-5910